



brad.jacklin@hrc.org on 04/09/2004 04:07:55 PM

To: politicalcommitteestatus@fec.gov
cc: Kevin.Layton@hrc.org

Subject: Re: Draft Notice of Proposed Rulemaking on Political Committee Status

Dear Ms. Dinh,

Please find attached comments regarding FEC proposed rules on Political Committee Status from the Human Rights Campaign.

Cheryl Jacques

President

Brad.jacklin@hrc.org

Human Rights Campaign

1640 Rhode Island Avenue, N.W.

Washington, D.C.20036

Please confirm receipt of these comments.

Thank you,

Brad Jacklin

Brad Jacklin

Legal Assistant

Human Rights Campaign

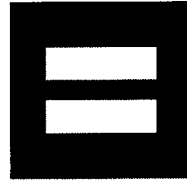
1640 Rhode Island Avenue, N.W.

Washington, D.C.20036

(202) 572 - 8947



- FEC Comment Letter (4-9-04).doc



HUMAN
RIGHTS
CAMPAIGN®

Via Electronic Mail

Ms. Mai T. Dinh
Acting Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C.

Re: Notice of Proposed Rulemaking on “Political Committee Status”

Dear Ms. Dinh:

We are writing to comment on the Commission’s proposed rulemaking regarding “political committee status,” 69 Fed. Reg. 11736 (March 11, 2004)(“NPRM”). Many organizations have written to oppose the proposals in the NPRM relating to organizations exempt from tax under section 501(c) of the Internal Revenue Code; we join them in objecting and specifically support the comments prepared by Independent Sector. As the nation’s largest civil rights organization for gay, lesbian, bisexual and transgender Americans, our friends and our families, HRC informs and educates both our organizational members *and* the general public about the public policy positions of federal elected officials that touch the lives of all of us. HRC is tax-exempt under section 501(c)(4) of the Internal Revenue Code (“IRC”); HRC Foundation, organized to conduct research and educational projects, is exempt from taxation under IRC section 501(c)(3). HRC also has a registered federal political committee that supports and opposes candidates for federal office.

Through information-sharing and education, HRC expands the number of Americans who are informed and are taking part in the public policy debates that shape our lives. Approval or critique of the public policy positions of a federal officeholder in a public communication should be encouraged, not restricted. Avenues for disseminating information about the public policy positions of federal officeholders should be open, not burdened by regulation.

The NPRM proposes, in part, to impose additional regulations on section 501(c) organizations that are unwarranted, unprecedented and unnecessary. We believe the proposed regulation that would apply to a broad array of exempt organizations and activities is outside the scope of the Commission's authority. Congress, not the Federal Election Commission, is the appropriate venue for determining whether additional regulation of 501(c) organizations is necessary and, if so, the nature of such regulation.

In passing the Bipartisan Campaign Reform Act, Congress had the opportunity to consider and make the types of changes that are currently being proposed in the NPRM. Congress chose not to do so and the FEC lacks the authority to, on its own initiative, adopt rules that so fundamentally change the manner in which advocacy and public policy debate will be conducted. Moreover, to make these proposed changes shortly before an election would be unprecedented and undermine the essential and legitimate advocacy work of thousands of organizations.

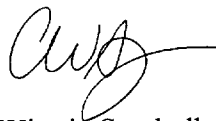
Specifically, the rulemaking proposes to redefine the definition of political committee status sweeping within an expanded definition organizations including those exempt from tax under IRC sections 501(c)(3) and 501(c)(4). Under such a regime, HRC and HRC Foundation would be forced to either abandon much of their educational and advocacy work or conduct these activities under the auspices of the HRC's federal political committee. In light of the limitations on fundraising by a federal political committee, such a change would leave the organization with inadequate resources to carry on its advocacy activities. In addition, any funds devoted to those activities would deplete the resources we have available to conduct our express advocacy activities during this and future election cycles.

For these reasons, the Commission should reject the proposals presented in the NPRM and leave review and consideration of these issues to Congress.

Respectfully submitted,



Cheryl Jacques
President



Winnie Stachelberg
Political Director